



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA 22-542

Released: May 17, 2022

WIRELINE COMPETITION BUREAU REMINDS COMPETITIVE LOCAL EXCHANGE CARRIERS TO FILE REVISED TARIFFS BY JULY 18, 2022 AND TO SUBMIT NEW FILING FEES THROUGH CORES

WC Docket Nos. 18-156, 22-108

By this Public Notice, the Wireline Competition Bureau (Bureau) reminds competitive local exchange carriers (LECs) to file interstate tariff revisions, as necessary, reducing their interstate toll free (8YY) originating end office access service rates and database query charges by **July 18, 2022**.¹ We encourage competitive LECs to make this filing *after* the competing incumbent LEC's interstate access charge tariffs become effective on July 1, 2022.² We also remind competitive LECs submitting this tariff filing to pay the new \$930 standard tariff filing fee through the new payment system in the Commission's Registration System (CORES).³

Pursuant to section 51.911 and 61.26 of the Commission's rules, competitive LECs are prohibited from filing a tariffed rate for interstate switched exchange access services that is higher than "the benchmark rate"—"the rate charged for similar services by the competing [incumbent LEC]."⁴ If an incumbent LEC to which a competitive LEC benchmarks its rates, lowers its rates, the competitive LEC "must revise its rates to the lower level within 15 days of the effective date of the lowered [incumbent LEC] rate."⁵ This year, incumbent LECs must file annual access charge tariffs, effective July 1, 2022, implementing the transitional rate changes adopted in the *USF/ICC Transformation Order* and the *8YY Access Charge Reform Order*.⁶ Accordingly, competitive LECs that benchmark their rates to competing

¹ See 47 CFR § 51.911(e) (competitive LECs "assessing a tariffed intrastate or interstate Toll Free Database Query Charge shall revise its tariffs as necessary to ensure that its intrastate and interstate Toll Free Database Query Charges do not exceed the rates charged by the competing incumbent local exchange carrier, as defined in § 61.26(a)(2) of this chapter."); see also *id.* §§ 51.907(j), 51.909(n) (requiring price cap and rate-of-return incumbent LECs to reduce interstate and intrastate toll free originating end office access service rates and database query charges beginning July 1, 2022).

² This filing is separate and distinct from the July 1, 2022 annual access charge tariff filings that incumbent LECs are required to file every year. See *July 1, 2022 Annual Access Charge Tariff Filings*, WC Docket No. 22-108, Order, DA 22-407 (WCB-PPD Apr. 15, 2022) (*Procedures Order*).

³ See 47 CFR § 1.1105; *Wireline Competition Bureau Reminds Applicants of the Effective Date of New Application Processing Fees*, Public Notice, DA 21-1578 (WCB Dec. 15, 2021); *FCC Announces Decommissioning of Fee Filer as Method of Payment and Replacement with New Payment Module Within CORES et al.*, Public Notice (Dec. 1, 2021), <https://www.fcc.gov/document/replacement-fee-filer-new-commission-payment-module>.

⁴ 47 CFR §§ 51.911(c), 61.26(c).

⁵ *Id.*

⁶ *July 1, 2022 Annual Access Charge Tariff Filings*, WC Docket No. 22-108, Order, DA 22-494, at *1, para. 2 (WCB-PPD May 9, 2022); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further (continued....)

incumbent LECs must likewise, as necessary, file tariff revisions implementing these transitional rate changes.

In the *8YY Access Charge Reform Order*, the Commission transitioned interstate and intrastate toll free originating end office access service rates to bill-and-keep and reduced toll free database query charges to \$0.0002 per query over a period ending July 1, 2023.⁷ As an initial step, the Commission capped rate-of-return incumbent LECs' intrastate originating toll free access service rates, including database query charges as of December 28, 2020.⁸ Price cap incumbent LECs' intrastate originating toll free access service rates, including database query charges, were capped as of December 29, 2011 as part of the *USF/ICC Transformation Order* reforms.⁹ Beginning July 1, 2021, incumbent LECs were required to reduce their intrastate toll free originating end office access service rates to their interstate toll free originating end office access service rate levels.¹⁰ Additionally, beginning July 1, 2021 incumbent LECs were required to reduce their interstate and intrastate toll free database query charges to no more than \$0.004248 per query.¹¹

As part of the rate transition adopted in the *8YY Access Charge Reform Order*, this year the Commission requires incumbent LECs to reduce their interstate and intrastate toll free originating end office access service rates by one-half of the maximum rate levels beginning July 1, 2022.¹² The Commission extended this rate transition to competitive LECs pursuant to sections 51.911(c) and 61.26 of the Commission's rules, which require competitive LECs to tariff switched access rates that are no higher than the benchmark rates charged for similar services by the competing incumbent LEC.¹³ Additionally, this year the Commission requires incumbent LECs to reduce their interstate and intrastate toll free database query charges by one-half of the difference between the maximum database query charge and \$0.0002 per query beginning July 1, 2022.¹⁴ The Commission extended this transition to competitive LECs pursuant to section 51.911(e) of the Commission's rules, which provides that a competitive LEC "assessing a tariffed intrastate or interstate Toll Free Database Query Charge shall revise its tariffs as necessary to ensure" that these charges "do not exceed the rates charged by the competing incumbent [LEC]."¹⁵

Because incumbent LECs are required to reduce their originating toll free end office access service rates and database query charges effective July 1, 2022, competitive LECs that benchmark to these rates must likewise revise their tariffed rates for similar services to the lower benchmarked rate levels. Competitive LECs are required to file tariff revisions reducing their benchmarked rates within 15

(Continued from previous page) _____

Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17934-35, para. 801 & Fig. 9 (2011), *pets. for review denied sub nom. In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014); *8YY Access Charge Reform*, WC Docket No. 18-156, Report and Order, 35 FCC Rcd 11594, 11604-05, para. 25 (Oct. 9, 2020) (*8YY Access Charge Reform Order*); 85 Fed. Reg. 75894 (Nov. 27, 2020).

⁷ *8YY Access Charge Reform Order*, 35 FCC Rcd at 11604-05, para. 25; see 47 CFR § 51.713 (defining bill-and-keep).

⁸ *8YY Access Charge Reform Order*, 35 FCC Rcd at 11604-05, para. 25.

⁹ *USF/ICC Transformation Order*, 26 FCC Rcd at 17932-33, para. 798; 47 CFR §§ 51.907(a), 51.909(a).

¹⁰ 47 CFR §§ 51.907(i)(2), 51.909(m)(2).

¹¹ 47 CFR §§ 51.907(i)(6), 51.909(m)(6).

¹² 47 CFR §§ 51.907(j)(1), 51.909(n)(1).

¹³ See *8YY Access Charge Reform Order*, 35 FCC Rcd at 11615, para. 49; 47 CFR §§ 51.911(c), 61.26(b)-(c).

¹⁴ See 47 CFR §§ 51.907(j)(2), 51.909(n)(2).

¹⁵ See *8YY Access Charge Reform Order*, 35 FCC Rcd at 11629, para. 81; 47 CFR § 51.911(e).

days of the effective date of the lowered incumbent LEC rate, July 1, 2022;¹⁶ since the 15-day filing date falls on a weekend, the filing shall be due on the next business day, **July 18, 2022**.¹⁷ To minimize burdens on filers and to promote administrative efficiency, we encourage competitive LECs benchmarking rates to competing incumbent LECs' rates, to file their tariff revisions *after* the competing incumbent LECs' benchmarked rates become effective on July 1, 2022. This will ensure that a competitive LEC does not have to file revised tariff transmittals benchmarking revised rates if the competing incumbent LEC amends or revises its tariffed rates before the July 1, 2022 effective date.

When competitive LECs file their tariff transmittals with the Commission through the Electronic Tariff Filing System (ETFS),¹⁸ they must also pay the associated tariff filing fee, pursuant to section 1.1105 and 61.20(b) of the Commission's rules.¹⁹ We remind competitive LECs that the Commission revised the Bureau's tariff filing fee structure contained in section 1.1105 of the Commission's rules effective December 15, 2021.²⁰ Competitive LECs filing tariff revisions must pay the associated \$930 standard tariff filing fee (Form Corres. & 159, payment type code: CQK).²¹ We also remind competitive LECs that, effective December 15, 2021, the Commission decommissioned and permanently discontinued its former online electronic payment system for regulatory and other fees, Fee Filer, and replaced it with the new payment system contained in CORES.²² The Commission will only accept funds required for tariff filings through the CORES payment system.²³

For more information about this Public Notice, please contact Christopher S. Koves, Pricing Policy Division, Wireline Competition Bureau, Christopher.Koves@fcc.gov.

- FCC -

¹⁶ 47 CFR § 61.26(c) ("If an ILEC to which a CLEC benchmarks its rates . . . lowers the rate to which a CLEC benchmarks, the CLEC must revise its rates to the lower level within 15 days of the effective date of the lowered ILEC rate.").

¹⁷ See 47 CFR § 1.4(j) ("If . . . the filing date falls on a holiday, the document shall be filed on the next business day."); see 47 CFR § 1.4(e)(1) ("The term holiday means Saturday, Sunday . . .").

¹⁸ See FCC, Electronic Tariff Filing System (ETFS), <https://apps.fcc.gov/etfs/etfsHome.action>.

¹⁹ 47 CFR §§ 1.1105, 61.20(b); *Procedures Order* at *3, para. 8.

²⁰ 47 CFR § 1.1105; FCC, Schedule of Application Fees of the Commission's Rules, 86 Fed. Reg. 70125-01 (Dec. 9, 2021); *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, MD Docket No. 20-270, Report and Order, 35 FCC Rcd 15089 (2020).

²¹ 47 CFR § 1.1105; FCC, Wireline Competition Bureau, Common Carrier Services, Fee Filing Guide at 7 (WCB Jan. 6, 2022), <https://www.fcc.gov/document/wcb-application-fee-filing-guide>.

²² See *Procedures Order* at *3-4, para. 9.

²³ For more information about the CORES Payment System, please visit: <https://www.fcc.gov/licensing-databases/fees/cores-payment-system>. Carriers can access CORES either at <https://apps.fcc.gov/cores/userLogin.do>, using an existing FCC Username account, or through the CORES' FCC Registration Number (FRN) access page, <https://apps.fcc.gov/cores/paymentFrnLogin.do>. For technical assistance with CORES, please submit a help request through <https://www.fcc.gov/available-support-services>, or call 877-480-3201, or send an email to ARINQUIRIES@fcc.gov.